

Via ECF

March 12, 2020

The Honorable Denny Chin Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, New York 10007-1312

RE: United States v. Bernard L. Madoff, No. 1:09-cr-00213-DC-1 (S.D.N.Y.)

Dear Judge Chin:

I write in reference to Mr. Bernard Madoff's currently pending motion for compassionate release. (ECF 212).

As noted in Mr. Madoff's reply in support of his motion for compassionate release (ECF 226), the Government has placed much emphasis on Mr. Madoff's purported lack of remorse in opposing the relief Mr. Madoff seeks. For this reason, among others, Mr. Madoff respectfully urges the Court to grant him a hearing on his motion for compassionate release. Mr. Madoff believes the Court would not only benefit from oral argument on the motion, but also hearing directly from Mr. Madoff about his acceptance of responsibility.

Given Mr. Madoff's undisputed declining health, Mr. Madoff requests that he be allowed to appear for the hearing via telephone and that he be given the chance to allocute in support of the requested sentence reduction. Mr. Madoff recognizes that Fed. R. Crim. P. 43(b)(4) does not require his appearance at a hearing on the motion; however, the rule also does not forbid the Court from permitting a telephonic appearance.

Resolution of Mr. Madoff's motion for compassionate release is likely to be the last proceeding in this case before Mr. Madoff's death. Allowing Mr. Madoff to give what is, in effect, a final dying, personal plea is imminently reasonable. Mr. Madoff's live, personal statement could also help the Court in reaching its weighty decision on whether to grant Mr. Madoff compassionate release.

Respectfully submitted,

Brandon Sample

cc: Mr. Drew Skinner, *via* CM/ECF Mr. Bernard Madoff, *via* U.S. Mail

Tel: (802) 444-4357 Fax: (802) 779-9590

info@brandonsample.com